IN THE COURT OF SH. HIMANSHU RAMAN SINGH,
CHIEF JUDICIAL MAGISTRATE, DISTRICT SOUTH,
SAKET COURTS COMPLEX, NEW DELHI.

CT Cases / 2704/2024
Mrs. Amita Sachdeva Vs. State (NCT of Delhi) & Anr.

25.01.2025

Present : Complainant with Ld. counsel Sh. Yadavendra Saxena and Sh. Vikram Kumar. (Fresh vakalatnama filed).

ORDER ON APPLICATION U/S 156(3) CR.P.C

1. The factual matrix leading to filing of the present matter in succinct is that the Complainant is residing at N-26, Ground Floor (right side), Malviya Nagar, New Delhi-110017. She is a practicing advocate at the Delhi High Court and an ardent follower of Sanatan Dharma. It is stated that the Complainant is compelled to file this complaint due to the Respondent No. 1's failure to act despite repeated requests, representations, and appeals. The Respondent No.1 has not taken any action against Rana Ayyub (hereinafter referred to as the 'Accused/Respondent No. 2') for the serious and derogatory posts made by the latter on the social media platform X. These posts include insults to Hindu Deities, the spreading of anti-India sentiment, and the incitement of religious disharmony, all of which are grave offenses that require urgent attention.

2. It is further stated that on 11.11.2024, at 6:05 PM, a social media user named Ms. Priyanka, operating under the X handle @prinstaz, publicly tagged the Complainant along with several prominent accounts on

the platform, urging immediate legal action against Respondent/Accused No. 2 for her derogatory posts. This public appeal brought the offensive content to the Complainant's attention for the first time, as she had no prior knowledge of these posts. The act of tagging the Complainant and other influential accounts underscores the severity of the issue and the urgency expressed by the public to address it. On the same day, i.e., 11.11.2024 at 6:32 PM, in response to Ms. Priyanka's tagging, the Complainant swiftly requested her to provide the links to all the posts in question. This request was made to ensure a comprehensive review of the derogatory content posted by Respondent/Accused No. 2, as highlighted by Ms. Priyanka.

3. It is further stated that in response to the Complainant's request, on the same day, 11.11.2024, at approximately 7:00 PM, Ms. Priyanka provided the relevant links to the posts made by Respondent/Accused No. 2 via direct message (DM) on the social media platform X. Subsequently, on the same day, 11.11.2024, the Complainant registered the complaint on National Cyber Crime Reporting Portal requesting for Criminal Action Against Rana Ayyub for Insulting Hindu Deities, Spreading Anti-India Sentiment, and Inciting Religious Disharmony on Social Media. The said complaint was duly acknowledgment by the National Cyber Crime vide Acknowledgment Number 20811240091707/11.11.2024.

4. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub), a verified X (Formerly Twitter) user and public figure, who has consistently used her platform to insult revered Hindu Deities, malign the fabric of Indian unity, and promote hostility toward India and its citizens including Indian Army. Her deliberate and provocative posts

are not only offensive and without justification but are a blatant abuse of her influence to incite hatred, communal disharmony, and distress among the Hindu community.

5. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub) tweeted by making baseless and malicious allegations against Veer Savarkar. Ms. Ayyub is directly attacking a revered historical figure and the ideology of Hindutva, which is a core belief system for millions of Hindus. This statement is not only inflammatory and defamatory but also seeks to damage the reputation of Hindutva followers and foster distrust and resentment between communities. Accused/Respondent No. 2 should be required to substantiate her claims by providing concrete examples to justify her statement.

6. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub) posted on March 13, 2013, this tweet demeans Lord Ram, a central deity in Hinduism, and glorifies Ravana, a figure reviled in Hindu tradition. By mocking Lord Ram's integrity and drawing a derogatory comparison between Him and Ravana, Ms. Ayyub has intentionally demeaned the core beliefs of Hindus. This comparison is both provocative and insulting to millions of Hindus who revere Lord Ram as an embodiment of virtue and righteousness.

7. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub) tweeted posted on October 22, 2014, this tweet portrays the revered Hindu goddesses Sita and Draupadi in a disrespectful light. The language used is highly derogatory and reduces their respected narratives to a mockery. By trivializing the ordeals of these figures, Ms.

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Ayyub has crossed all boundaries of decency, and her words strike at the heart of Hindu faith and culture.

8. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub) posted on September 7, 2015, at 4:23 PM, this tweet refers to Veer Savarkar, an esteemed freedom fighter, as a "terrorist sympathiser." Such inflammatory language is not only defamatory but also incites disrespect toward one of India's prominent historical figures. This statement has been made with the clear intent to disparage Hindutva ideology and its advocates, fueling divisive sentiments among communities.

9. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub) posted on July 17, 2016, this tweet criticizes the Indian Army in a sarcastic tone, implying that the army unjustly blinded a young individual. This comment is insensitive and disparaging toward the Indian Armed Forces, who are responsible for protecting national sovereignty. Such irresponsible comments, without any substantiation, are hazardous to national interest as they incite disrespect against the military and may lead to a loss of public trust in national security forces.

10. It is further stated that Accused/Respondent No.2, Ms. Rana Ayyub (@RanaAyyub) posted on May 22, 2017, at 9:21 PM, this post suggests a strong distrust toward the Indian Army. This tweet fosters anti-Army sentiment by implying that the Indian state and its military are inherently unjust toward Kashmiris. When such a comment is made by a person of a particular religion, it clearly implies that the army has been unfair to Kashmiri Muslims. Such statements are intended to weaken public confidence in the Indian Armed Forces, potentially inciting feelings of

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mistrust and resentment. Therefore, such irresponsible and baseless comments need to be dealt with in accordance with the law.

11. It is further stated that these tweets reveal an agenda to systematically mock and demean Hindu beliefs, insult India, and spread communal discord. Ms. Ayyub's public profile magnifies the harmful impact of her words, influencing impressionable minds and promoting hatred and disrespect toward Hinduism and the nation. Furthermore, the consistent pattern of such posts by Ms. Ayyub demonstrates that she is a habitual offender who repeatedly propagates anti-Hindu, anti-India, and anti-Indian Army sentiments.

12. It is further stated that on 12.11.2024, the Complainant received an official email from the National Cyber Crime Portal (cyberpolice.mha@gov.in). The email informed the Complainant that the complaint, bearing ID 20811240091707, which had been submitted by the Complainant to the NCRP, had been forwarded to the Cyber Police Station, South, for further action. Subsequently, on 15.11.2024, the Complainant sent a follow-up email to the Cyber Crime Police Station, South, at its official email address, cybercell.south@delhipolice.gov.in, inquiring about the current status of the complaint filed by her.

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13. It is further stated that on 18.11.2024, feeling aggrieved by the inaction of the SHO, Cyber Crime Police Station (South), New Delhi, the Complainant sent a copy of her complaint dated 11.11.2024, along with a covering letter, to the Deputy Commissioner of Police, South Delhi District. However, despite this step, no relief has been granted to the Complainant to date. The Complainant has received no communication regarding her

complaint dated 11.11.2024, and it appears that no progress has been made by the police in registering an FIR against the Accused/Respondent No. 2. Therefore, the Complainant is compelled to file the present application before this Hon'ble Court, seeking appropriate directions for the police to register an FIR against the Accused/Respondent No. 2.

14. It is further stated that the derogatory posts made by the Accused, Rana Ayyub, on the social media platform "X" have sparked widespread public outrage. This is evident from the numerous comments posted by users on the platform, expressing their strong disapproval and condemnation of the Accused's statements. In accordance with the directions issued by the Hon'ble Supreme Court in Shaheen Abdulla vs. Union of India & Ors. (W.P.(C) No. 940 of 2022, Order dated 21.10.2022), specifically addressed to the Commissioner of Police, New Delhi, Director General of Police, Uttarakhand, and Director General of Police, Uttar Pradesh, it is mandatory for the Police/State to take suo moto cognizance of such incidents, even in the absence of a formal complaint. The Hon'ble Supreme Court further clarified that any failure to comply with this directive would be considered Contempt of Court, and appropriate action would be taken against the erring officials. Despite the Complainant having already lodged a formal complaint in this case, no action has been initiated.

15. It is further stated that by the subsequent common Order dated 28.04.2023, passed in the same case Shaheen Abdulla vs. Union of India & Ors., along with Ashwini Kumar Upadhyay Vs. Union of India & Ors., W.P. (C) 943/2021, the directions issued on 21.10.2022 were extended to the police authorities of all states. The cause of action arose in favour of the

Complainant on 11.11.2024, when she became aware of the derogatory and demeaning posts made by the Accused/Respondent No. 2. The Complainant was informed of these posts by Ms. Priyanka, who tagged her in a post on the social media platform "X," urging action against the Accused/Respondent No. 2. At the time, the Complainant was at her residence, which falls within the territorial jurisdiction of this Hon'ble Court. Consequently, this Hon'ble Court has the jurisdiction to take cognizance of the offenses committed by the Accused/Respondent No. 2.

16. Complainant has relied upon the order dated 21.10.2022 in WP (C) no.940/2022 titled as Shaheen Abdulla Vs. UOI & Ors passed by Hon'ble Supreme Court of India; order dated 28.04.2023 in WP (C) no.943/2021 titled as Ashwini Kumar Upadhyay Vs. UOI & Ors passed by Hon'ble Supreme Court of India; and Order dated 17.12.2024 in Crl MC No.7336/2023 in Dr. Ratan Lal Vs. State Govt. Of NCT of Delhi & Anr passed by Hon'ble High Court of Delhi.

17. ATR was called in light of the judgment of ***Subhkaran Luharuka & Anr v. State (Government of NCT of Delhi) & Anr. 170/2010, Delhi HC***. According to the ATR received, during the preliminary inquiry conducted by the undersigned officer, and based on the content of the complaint, it was determined that the nature of the offense described in the complaint is non cognizable in nature. The complaint specifically mentioned alleged offenses that were originally covered under Section 66A of the Information Technology Act (IT Act), which criminalized certain online communications deemed offensive or harmful. However, it is important to note that Section 66A of the IT Act was struck down by the Hon'ble

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Supreme Court of India in 2015, in the landmark judgment of Shreya Singhal v. Union of India. The Supreme Court ruled that Section 66A was unconstitutional, as it violated the fundamental right to free speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution. The Court held that the provision was too vague and overly broad, enabling arbitrary and excessive restriction on free speech, which led to its repeal. Therefore, given the fact that Section 66A IT Act was no longer in effect at the time of the complaint, the actions described in the complaint could not be considered a cognizable offense under the current legal framework. The alleged acts referenced in the complaint are no longer punishable under the repealed provision, and thus, the matter was classified as non-cognizable in nature. Therefore, no action has been taken by the police in this matter.

18. Arguments heard. Record perused.

19. From the facts of the case as alleged in the complaint, prima-facie cognizable offences are made out punishable under Section 153A, 295A and 505 IPC.

20. Considering the gravity of the allegations, the Court is of the view that it is expedient to order investigation in the present matter in exercise of the judicial power under Section 156(3) Cr.P.C. The facts pleaded by complainant are such which necessitate intervention of State machinery in the form of police investigation and the complainant would not be in a position to collect evidence.

21. In view of the facts and circumstances, the complaint discloses commission of cognizable offences for which an FIR is warranted. Present

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application under Section 156(3) Cr.P.C is **allowed**. SHO Cyber Police Station, South is directed convert the contents of complaint as FIR and investigate the matter fairly.

22. Copy of this order be sent to SHO, PS Cyber Police Station, South for necessary intimation and compliance.

23. The application stands disposed of accordingly.

24. Be put up on **28.01.2025** for compliance report.

HIMANSHU RAMAN SINGH
Digitally signed by HIMANSHU RAMAN SINGH
Date: 2025.01.25 15:52:11 +0530

(Himanshu Raman Singh)
Chief Judicial Magistrate
South District/Saket Courts
25.01.2025

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